09/980384 (10307)

Copy for the Elected Office (EO/US)

PCT/GB00/01968

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

To:

VINSOME, Rex, Martin
Urquhart-Dykes & Lord
St Nicholas Chambers
Amen Corner
Newcastle-upon-Tyne NE1 1PE
ROYAUME-UNI

NOTIFICATION OF THE RECORDING OF A CHANGE

(PCT Rule 92bis.1 and Administrative Instructions, Section 422)

Date of mailing (day/month/year) 06 December 2001 (06.12.01)	
Applicant's or agent's file reference GJA/P95428WO	**IMPORTANT NOTIFICATION**
International application No. PCT/GB00/01968	**International filing date** (day/month/year) 31 May 2000 (31.05.00)

1. The following indications appeared on record concerning:

[X] the applicant [X] the inventor [ ] the agent [ ] the common representative

Name and Address	State of Nationality	State of Residence
GASKARTH, John, Alexander Low Rigg Stainsacre Whitby North Yorkshire YO22 4LP United Kingdom	GB	GB
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

[X] the person [ ] the name [ ] the address [ ] the nationality [ ] the residence

Name and Address	State of Nationality	State of Residence
ECONOPLAS LIMITED 61 Borough Road Middlesborough Cleveland TS1 3AL United Kingdom	GB	GB
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	

3. Further observations, if necessary:
The person in Box 2 has been recorded as applicant for all designated States except US.
The person in Box 1 remains inventor and applicant for US only.

4. A copy of this notification has been sent to:

[X] the receiving Office
[ ] the International Searching Authority
[ ] the International Preliminary Examining Authority
[ ] the designated Offices concerned
[X] the elected Offices concerned
[ ] other:

The International Bureau of WIPO **34, chemin des Colombettes** **1211 Geneva 20, Switzerland** Facsimile No.: (41-22) 740.14.35	Authorized officer Anman QIU Telephone No.: (41-22) 338.83.38

Form PCT/IB/306 (March 1994)

004516868

PA NT COOPERATION TREAT

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 29 January 2001 (29.01.01)	
International application No. PCT/GB00/01968	**Applicant's or agent's file reference** GJA/P95428WO
International filing date (day/month/year) 31 May 2000 (31.05.00)	**Priority date** (day/month/year) 01 June 1999 (01.06.99)
Applicant GASKARTH, John, Alexander	

1. The designated Office is hereby notified of its election made:

[X] in the demand filed with the International Preliminary Examining Authority on:

27 December 2000 (27.12.00)

[ ] in a notice effecting later election filed with the International Bureau on:

2. The election [X] was

[ ] was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO **34, chemin des Colombettes** **1211 Geneva 20, Switzerland**	Authorized officer Pascal Piriou
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
GJA/P95428WO		
International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/GB00/01968	31/05/2000	01/06/1999
International Patent Classification (IPC) or national classification and IPC E02B11/00		
Applicant GASKARTH, JOHN ALEXANDER		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

   ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

   These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

   - I ☒ Basis of the report
   - II ☐ Priority
   - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - IV ☐ Lack of unity of invention
   - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations suporting such statement
   - VI ☐ Certain documents cited
   - VII ☒ Certain defects in the international application
   - VIII ☒ Certain observations on the international application

Date of submission of the demand	Date of completion of this report
27/12/2000	21.08.2001
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Kofoed, P Telephone No. +49 89 2399 2927

Form PCT/IPEA/409 (cover sheet) (January 1994)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/01968

I. Basis of the report

1. With regard to the **elements** of the international application *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*:
Description, pages:

1-12	as originally filed				

Claims, No.:

1-32	as received on	30/06/2001	with letter of	25/06/2001	

Drawings, sheets:

1/2,2/2	as originally filed				

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

   These elements were available or furnished to this Authority in the following language: , which is:

   - ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
   - ☐ the language of publication of the international application (under Rule 48.3(b)).
   - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

   - ☐ contained in the international application in written form.
   - ☐ filed together with the international application in computer readable form.
   - ☐ furnished subsequently to this Authority in written form.
   - ☐ furnished subsequently to this Authority in computer readable form.
   - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
   - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

   - ☐ the description, pages:
   - ☐ the claims, Nos.:

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	32
	No:	Claims	1-5, 9-12, 20, 22-27, 29-30
Inventive step (IS)	Yes:	Claims	32
	No:	Claims	6-8, 13-19, 21, 28, 31
Industrial applicability (IA)	Yes:	Claims	1-32
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Reference is made to the following documents:

D1: DE-A-42 17 739
D2: US-A-4 439 475
D3: DE-U-93 06 039
D4: GB-A-2 201 872

2 The invention relates

- to "a fluid transfer material for use in a system for transferring fluid, the fluid transfer material comprising:
  i) at least one cured thermoset material;
  iii) and at least one thermoplastic material melded thereto" (claim 1)

- and to "a fluid transfer material for use in a system for transferring fluid, the fluid transfer material comprising:
  ii) at least one fibrous material mixed with and melded to
  iii) at least one thermoplastic material" (claim 32)

- and to a fluid transfer system with such a material (claim 20)

- and to a method of making such a material (claim 29).

2.1 The idea of creating an open structure is known from all of the above mentioned documents. D1 and D2 imply the use of plastic material, whereas the materials for drainage used in D3 and D4 are different.

Claims 1-31

3 The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claim 1, insofar understandable, is not new. The most relevant prior art is found in document D1 relating to a drainage mat of recycling plastics material. Here, the exact composition of the material is not specified, but the skilled man will expect a mixture of cured thermoset and thermoplastic material in the waste. Document D1, discloses a fluid transfer material with all the features of claim 1 (see claim 1 and column 1, lines 40-56). See also re item VIII for clarity objection.

3.1 Further, the features of dependent claims 2-5 and 9-12, specifying the material, are also known from D1 (Article 33(2) PCT).

3.2 This comment also applies for the system according to independent claim 20 and dependent claims 22-27 in view of D1, figure 1 (see the "Sammeldrän") and for the method of making according to claims 29-30 in view of D1, claim 1 and column 1, lines 40-56.

4 The subject matter of the remaining claims, i.e. claims 6-8, 13-19, 21, 28, and 31 seems to concern slight constructional changes, which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of these claims lacks an inventive step (Article 33(3) PCT).

Claim 32

5 The subject-matter of claim 32 differs from its most relevant prior art D2 in that the fibrous material and the thermoplastic material are **mixed** and then melded together. The requirements of articles 33(2) and (3) are fulfilled, since there is no mentioning of this kind of mixing of the two material for a fluid material in the prior art (see D1-D4). However, this claim lacks clarity, see re item VIII.

Re Item VII

Certain defects in the international application

6 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D4 is not mentioned in the description, nor are these documents identified therein.

Re Item VIII

Certain observations on the international application

7 Claim 1, claim 32, claim 20 and claim 29 are not clear in the sense of Article 6 PCT for the following reasons: In the case of an imaginable high percentage of thermoplastic material, the composition of the mixture will result in a product having no structure (i.e. no pathways for fluid transfer). Hence, the problem of fluid transfer remains unsolved.

8 The claims 19 and 27 contain a general reference to the drawings and therefore lack clarity (Article 6 PCT).

CLAIMS

1. A fluid transfer material for use in a system for transferring fluid, the fluid transfer material comprising:

   at least one cured thermoset material; and

   at least one thermoplastic material melded thereto.

2. A fluid transfer material according to claim 1, further comprising at least one fibrous material.

3. A fluid transfer material according to either claim 1 or 2, wherein at least one said thermoset material is chopped, shredded or fragmented.

4. A fluid transfer material according to any one of the preceding claims, wherein at least one said thermoset material comprises rubber.

5. A fluid transfer material according to any one of the preceding claims, wherein at least one thermoset material is recycled from motor vehicles.

6. A fluid transfer material according to any one of claims 2 to 5, wherein at least one said fibrous material comprises straw.

7. A fluid transfer material according to any one of claims 2 to 6, wherein at least one said fibrous material comprises wood.

8. A fluid transfer material according to any one of claims 2 to 7, wherein at least one said fibrous material is inorganic.

9. A fluid transfer material according to any of one of the preceding claims, wherein at least one said thermoplastic material is recycled.

10. A fluid transfer material according to any of the preceding claims, wherein at least one said thermoplastic material is chopped or shredded.

11. A fluid transfer material according to any one of the preceding claims, wherein said material is formed by a moulding process.

12. A fluid transfer material according to any one of the preceding claims, wherein the thermoset and/or fibrous and thermoplastic materials mixed together, preheated and placed in a mould and are melded together.

13. A fluid transfer material according to claim 12, wherein the materials are heated by hot air.

14. A fluid transfer material according to any of claims 1 to 10, wherein said material is formed by an extrusion process.

15. A fluid transfer material according to any one of the preceding claims, wherein said material is at least partially surrounded by netting.

16. A fluid transfer material according to claim 15, wherein said netting comprises a fine mesh net.

17. A fluid transfer material according to any of the preceding claims further comprising mica.

18. A fluid transfer material according to any of the preceding claims further comprising vermiculite.

19. A fluid transfer material for use in a fluid transfer system, the fluid transfer material substantially as hereinbefore described with reference to the accompanying drawings.

20. A fluid transfer system comprising:

a conduit for carrying fluid; and

a fluid transfer material according to any of the preceding claims, the fluid transfer material cooperating with said conduit for transferring fluid thereto and/or therefrom.

21. A fluid transfer system according to claim 20 wherein said conduit is a gutter arranged in use below an elongate length of said fluid transfer material.

22. A fluid transfer system according to claim 20 wherein said conduit is an elongate pipe having means for enabling passage of fluid between the interior and exterior thereof and said pipe being at least partially surrounded by an elongate length of said fluid transfer material.

23. A fluid transfer system according to claim 22 wherein said means for enabling the passage of fluid between the interior and the exterior of the pipe comprises one or more apertures in the pipe.

24. A fluid transfer system according to claim 22 wherein said means for enabling the passage of fluid between the interior and the exterior of the pipe comprises at least one slot arranged in the upper part of said pipe in use.

25. A fluid transfer system according to claim 22 wherein said pipe is porous.

26. A fluid transfer system according to any one of claims 20 to 25 wherein said system is used for drainage.

27. A fluid transfer system according to any one of claims 20 to 25 wherein said system is used for irrigation.

28. A fluid transfer system substantially as hereinbefore described with reference to the accompanying drawings.

29. A method of making a fluid transfer material comprising the steps of:-

mixing together at least one thermoset material and/or at least one fibrous material and at least one thermoplastic material to form a mixture;

placing said mixture in a mould; and

heating said mixture so as to cause the melding of said at least one thermoplastic material to the other materials.

30. A method according to claim 29, further comprising the step of preheating said mixture before it is placed in said mould.

31. A method according to claim 29 or 30 wherein said mixture is heated by the introduction of a heated gas into the mixture.

32. A fluid transfer material for use in a system for transferring fluid, the fluid transfer material comprising at least one fibrous material mixed with and melded to at least one thermoplastic material.

CLAIMS

1. A fluid transfer material for use in a system for transferring fluid, the fluid transfer material comprising:

at least one cured thermoset material; and/or

at least one fibrous material; and

at least one thermoplastic material melded thereto.

2. A fluid transfer material according to claim 1, wherein at least one said thermoset material is chopped, shredded or fragmented.

3. A fluid transfer material according to either claim 1 or claim 2, wherein at least one said thermoset material comprises rubber.

4. A fluid transfer material according to any one of the preceding claims, wherein at least one thermoset material is recycled from motor vehicles.

5. A fluid transfer material according to any one of the preceding claims, wherein at least one said fibrous material comprises straw.

6. A fluid transfer material according to any one of the preceding claims, wherein at least one said fibrous material comprises wood.

7. A fluid transfer material according to any one of the preceding claims, wherein at least one said fibrous material is inorganic.

8. A fluid transfer material according to any of one of the preceding claims, wherein at least one said thermoplastic material is recycled.

9. A fluid transfer material according to any of the preceding claims, wherein at least one said thermoplastic material is chopped or shredded.

10. A fluid transfer material according to any one of the preceding claims, wherein said material is formed by a moulding process.

11. A fluid transfer material according to any one of the preceding claims, wherein the thermoset and/or fibrous and thermoplastic materials mixed together, preheated and placed in a mould and are melded together.

12. A fluid transfer material according to claim 11, wherein the materials are heated by hot air.

13. A fluid transfer material according to any of claims 1 to 9, wherein said material is formed by an extrusion process.

14. A fluid transfer material according to any one of the preceding claims, wherein said material is at least partially surrounded by netting.

15. A fluid transfer material according to claim 14, wherein said netting comprises a fine mesh net.

16. A fluid transfer material according to any of the preceding claims further comprising mica.

17. A fluid transfer material according to any of the preceding claims further comprising vermiculite.

18. A fluid transfer material for use in a fluid transfer system, the fluid transfer material substantially as hereinbefore described with reference to the accompanying drawings.

19. A fluid transfer system comprising:

a conduit for carrying fluid; and

a fluid transfer material according to any of the preceding claims, the fluid transfer material cooperating with said conduit for transferring fluid thereto and/or therefrom.

20. A fluid transfer system according to claim 19 wherein said conduit is a gutter arranged in use below an elongate length of said fluid transfer material.

21. A fluid transfer system according to claim 19 wherein said conduit is an elongate pipe having means for enabling passage of fluid between the interior and exterior thereof and said pipe being at least partially surrounded by an elongate length of said fluid transfer material.

22. A fluid transfer system according to claim 21 wherein said means for enabling the passage of fluid between the interior and the exterior of the pipe comprises one or more apertures in the pipe.

23. A fluid transfer system according to claim 21 wherein said means for enabling the passage of fluid between the interior and the exterior of the pipe comprises at least one slot arranged in the upper part of said pipe in use.

24. A fluid transfer system according to claim 21 wherein said pipe is porous.

25. A fluid transfer system according to any one of claims 19 to 24 wherein said system is used for drainage.

26. A fluid transfer system according to any one of claims 19 to 24 wherein said system is used for irrigation.

27. A fluid transfer system substantially as hereinbefore described with reference to the accompanying drawings.

28. A method of making a fluid transfer material comprising the steps of:-

mixing together at least one thermoset material and/or at least one fibrous material and at least one thermoplastic material to form a mixture;

placing said mixture in a mould; and

heating said mixture so as to cause the melding of said at least one thermoplastic material to the other materials.

29. A method according to claim 28, further comprising the step of preheating said mixture before it is placed in said mould.

30. A method according to claim 28 or 29 wherein said mixture is heated by the introduction of a heated gas into the mixture.

31. A method of making a fluid transfer material comprising the steps of:-

mixing together pieces of thermoplastic materials having differing melt points and/or of differing sizes;

heating said thermoplastics so as to cause the at least partial melting of at least some of said thermoplastics, and thereby meld at least some said thermoplastics to at least some other thermoplastics; and

cooling said thermoplastics so as to form a substantially rigid material having a continuous porous structure throughout its volume.

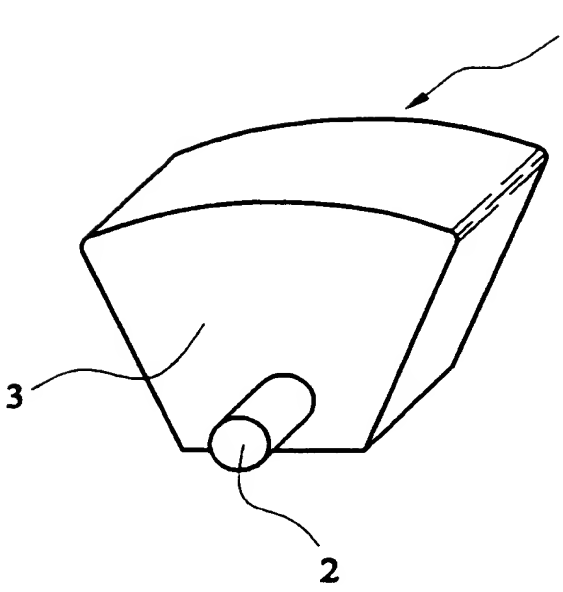

FIG. 1

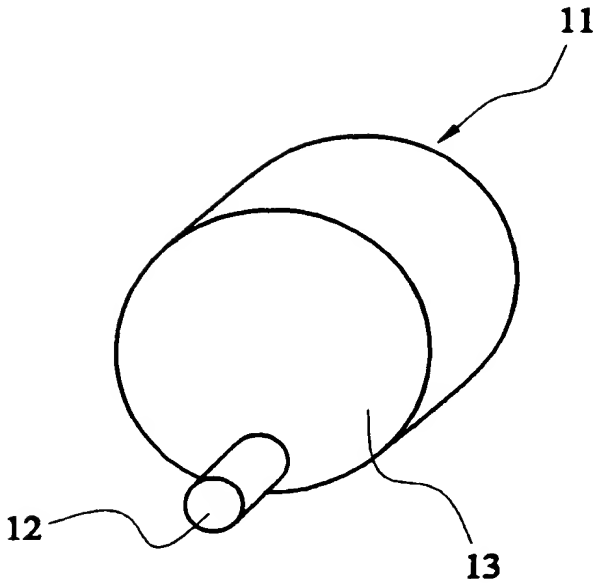

FIG. 2

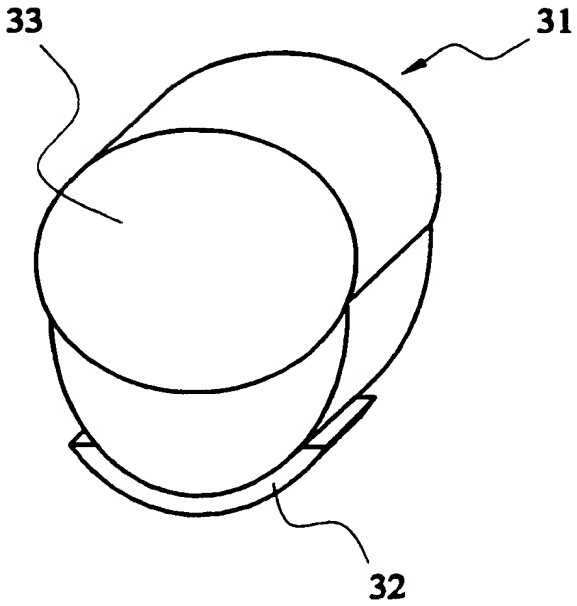

FIG. 3

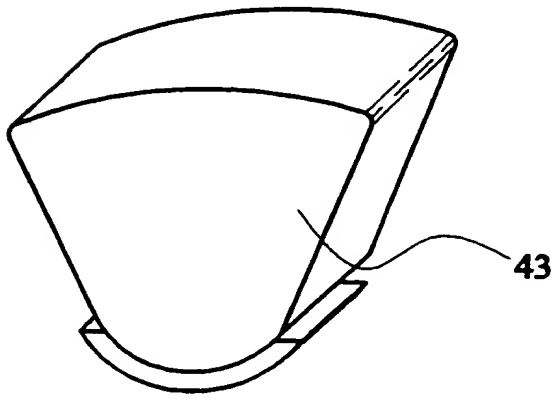

FIG. 4

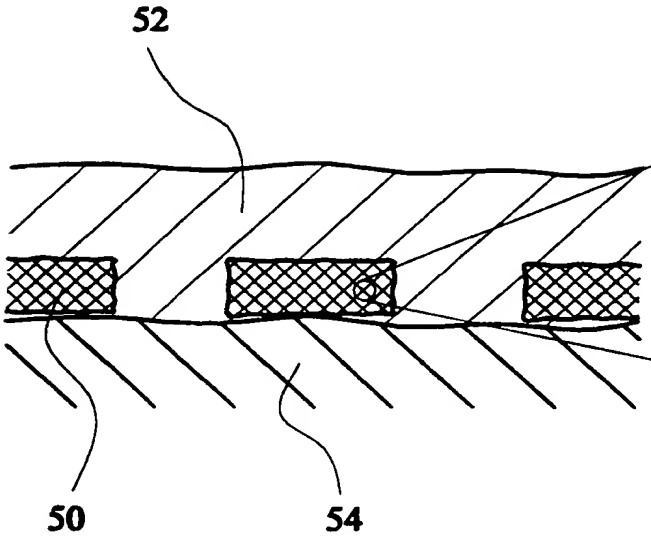

FIG. 5

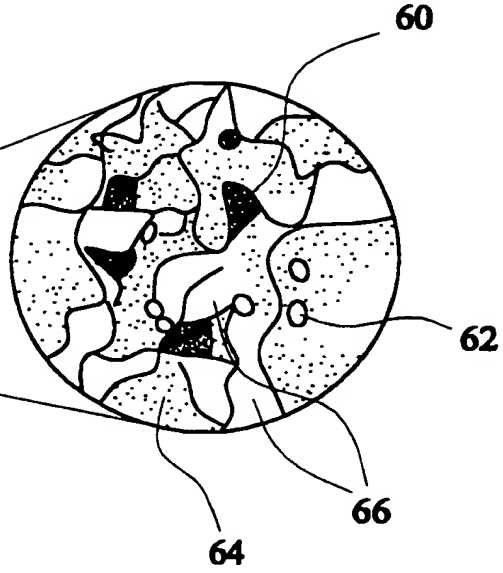

FIG. 6

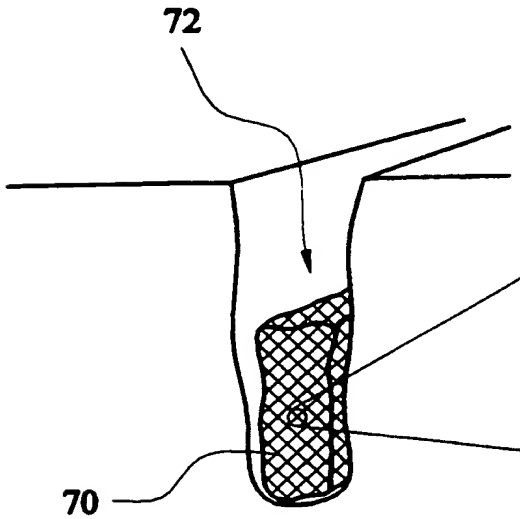

FIG. 7

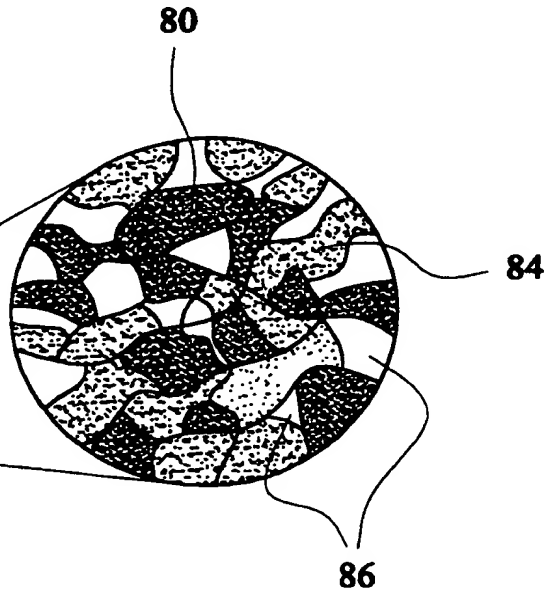

FIG. 8

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	**FOR FURTHER ACTION** see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
GJA/P95428WO		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/GB 00/ 01968	31/05/2000	01/06/1999
Applicant		
GASKARTH, JOHN ALEXANDER		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.

[X] It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

   a. With regard to the **language,** the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

   [ ] the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

   b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

   [ ] contained in the international application in written form.

   [ ] filed together with the international application in computer readable form.

   [ ] furnished subsequently to this Authority in written form.

   [ ] furnished subsequently to this Authority in computer readble form.

   [ ] the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

   [ ] the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. [ ] **Certain claims were found unsearchable** (See Box I).

3. [ ] **Unity of invention is lacking** (see Box II).

4. With regard to the **title,**

   [X] the text is approved as submitted by the applicant.

   [ ] the text has been established by this Authority to read as follows:

5. With regard to the **abstract,**

   [X] the text is approved as submitted by the applicant.

   [ ] the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. 5

   [X] as suggested by the applicant.

   [ ] because the applicant failed to suggest a figure.

   [ ] because this figure better characterizes the invention.

   [ ] None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No
PC[redacted]B 00/01968

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 E02B11/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 E02B E03F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	DE 93 06 039 U (LÜDECKE) 22 July 1993 (1993-07-22) the whole document	1,19,28, 31
A	GB 2 201 872 A (MAYNES) 14 September 1988 (1988-09-14) the whole document	1,19,28
X	US 4 439 475 A (LANG) 27 March 1984 (1984-03-27) claims 1-4	1-3,7
X A	DE 42 17 739 A (KALLENBERG) 4 February 1993 (1993-02-04) the whole document	1-4, 8-11,28 31

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
12 September 2000	18/09/2000

Name and mailing address of the ISA	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31–70) 340–2040, Tx. 31 651 epo nl, Fax: (+31–70) 340–3016	Hannaart, J

1

Form PCT/ISA/210 (second sheet) (July 1992)

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No
PCT/GB 00/01968

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
DE 9306039	U	22-07-1993	NONE		
GB 2201872	A	14-09-1988	NONE		
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